

REMARKS

The specification has been amended to employ more idiomatic English and to better conform to US practice. The abstract has been rewritten to address the objections raised by the Examiner. No new matter has been entered.

The claims have been amended to better define the claimed invention and better distinguish the claimed invention from the cited prior art, as well as art cited in the prosecution of a counterpart application in Russia. More particularly, claim 13 has been amended to incorporate the limitations of claim 14, which has been cancelled. Claim 13 also has been amended to specify that the rotary columns are cylindrical. This clearly distinguishes Applicants' claimed invention from the primary reference Scarpa who teaches bulb shaped rotating blades.

Turning to the specific art rejections, and considering first the rejection of claims 13 and 14 as anticipated by Scarpa, as noted above, claim 14 has been cancelled, and the subject matter thereof incorporated into claim 13. Applicants' claims also have been amended to require that the rotary columns, i.e. the elements Scarpa describes as "blades", are cylindrical. In Scarpa, the blades are bulb shaped. On this basis alone, claim 13 cannot be said to be anticipated by Scarpa.

Moreover, this distinction is more than merely academic. Scarpa, in his discussion of the prior art, teaches against cylindrical configurations. See in particular column 3, lines 4-7 and lines 10-15 of Scarpa in which Scarpa specifically teaches reasons for why the rotating blade should have a bulb shape. Thus, Scarpa teaches against rotary cylindrical columns as required by Applicants' independent claim 13 as amended.

Turning to the rejection of claims 15, 17, 18, 20 and 23 as obvious from Scarpa in view of Massey, all of these claims are directly or indirectly dependent on claim 13. The deficiencies of Scarpa vis-à-vis claim 13 are discussed above. It is not seen that Massey applies the missing teachings to Scarpa to disregard the specific teachings of Scarpa of a bulb shaped blade as taught by Scarpa. Indeed, adopting the blade designs of Massey would be contraindicated by Scarpa who, as noted above, specifically teaches bulb shaped rotating blades. Thus, claim 13 and claims 15, 17, 18, 20 and 23 which depend directly or indirectly on claim 13 cannot be said to be obvious from Scarpa taken with Massey.

Turning to the rejection of claims 15-19 as obvious from Scarpa in view of WO '640¹. Claims 15-19 are directly or indirectly dependent on claim 13. The deficiencies of the primary reference Scarpa vis-à-vis claim 13 are discussed above. Like Scarpa, the blades in WO '640 are also bulb shaped. Thus, no combination of Scarpa and WO '640 reasonably could be said to achieve or render obvious claim 13 or claims 15-19 which depend directly or indirectly thereon.

Turning to the rejection of claims 21 and 22 as obvious from Scarpa in view of JP '295². Claims 21 and 22 are directly or indirectly dependent on claim 13. The deficiencies of the primary reference Scarpa vis-à-vis claim 13 are discussed above. It is not seen that JP '295 supplies the missing teachings to Scarpa to achieve or render obvious claim 13 or claims 21 and 22 which depend thereon. The Examiner cites JP '295 as teaching Magnus type machine having rotary columns furnished with dimples. Even assuming arguendo JP '295 is as the Examiner states, it is submitted that JP '295 does not supply the missing teachings to Scarpa to achieve or render obvious claim 13 or claims 21 and 22 which depend thereon. JP '295 teaches

¹The Examiner refers to this reference as Iannone. Actually, Iannone is the agent. The inventor is Terracina.

² The Examiner refers to this reference as JP 06-316925. However, it is noted the last three digits are 295.

cone shaped rotary propellers for aircraft comprising conically shaped rotors with the apex at the distal ends, as distinguished from Scarpa who teaches bulb shaped blades with the bulb at the distal ends. Moreover, JP '295 teaches blades for a VTOL plane or helicopter, which is quite different from a Magnus type wind power generator. Thus, it is submitted that JP '295 is non-analogous art, and one skilled in the art would not look to combine JP '295 with Scarpa. Moreover, since Scarpa specifically teaches bulb shaped blades and JP '295 teaches cone shaped blades, no combination of Scarpa and JP '295 reasonably could be said to achieve or render obvious claim 13 or claims 21 and 22 which depend thereon in any event.

Turning finally to the rejection of claim 24 as obvious from Scarpa in view of EP '773, claim 24 also depends on claim 13. The deficiencies of the primary reference Scarpa vis-à-vis claim 13 are discussed above. EP '773 employs blades which taper towards their distal ends as contraindicated by Scarpa who teaches bulb shaped blades. Thus, it is submitted one skilled in the art would not look to combine Scarpa and EP '773 since EP '773 employs taper blades that are contraindicated by Scarpa. Accordingly, no combination of Scarpa and EP '773 reasonably could be said to achieve or render obvious claim 13 or claim 24 which depends thereon.

Having dealt with all the objections raised by the Examiner, the Application is believed to be in order for allowance. Early and favorable action is respectfully requested.

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Respectfully submitted,



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